

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:16-cv-135-FDW-DCK

CYNTHIA RICHARDS-DONALD,

Plaintiff,

vs.

TEACHERS INSURANCE AND
ANNUITY ASSOCIATION OF
AMERICA, TIAA BOARD OF
OVERSEERS, TIAA-CREF INDIVIDUAL
& INDUSTRIAL SERVICES, LLC,
JARROD FOWLER,

Defendants.

NOTICE AND ORDER

THIS MATTER is before the Court *sua sponte* regarding the status of this case. On March 15, 2016, the Southern District of New York transferred this case to the Western District of North Carolina. (Doc. No. 49). On March 25, 2016, the Court entered a Pretrial Order and Case Management Plan before the parties submitted a Certification of Initial Attorneys' Conference ("IAC") in order to resolve this matter as expeditiously as possible. (Doc. No. 56). That Order also instructed the parties that they were not relieved of their obligation to conduct an IAC and file a report on its results. Id. On April 4, 2016, the parties complied and filed their Certification of IAC. (Doc. No. 64).

In their Certification, the parties requested a Judicial Settlement Conference after an initial round of discovery as the means of alternative dispute resolution ("ADR") in this case. (Doc. No. 64, p. 4). The Court's prior Order selected mediation as the appropriate ADR procedure. (Doc. No. 56, p. 5). Practical considerations of judicial economy counsel that the efficacy of a Judicial Settlement Conference is drastically reduced without prior mediation

efforts—particularly where the litigation has not reached summary judgment. **The parties are hereby noticed that the Court will not schedule a Judicial Settle Conference until, at the earliest, the parties conduct a Mediated Settlement Conference and file a report on the results. The Court will then, in its sole discretion, decide if and when a Judicial Settlement Conference would prove beneficial to the resolution of this matter.**

IT IS, THEREFORE, ORDERED that Alternative Dispute Resolution in this case, including the procedure and timeline, is governed by the Case Management Order. (Doc. No. 56).

IT IS FURTHER ORDERED that the parties shall conduct a Mediated Settlement Conference and file a report on the results in accordance with the Case Management Order before moving the Court to conduct a Judicial Settlement Conference.

IT IS SO ORDERED.

Signed: June 21, 2016

A handwritten signature in black ink, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

